

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

JANUARY 26, 2004

- 1:30 P.M.

COMMISSION CONVENES
- CALL TO ORDER

Deputy Sheriff Ricky Jackson
- INVOCATION

Minister Darrin Hill
New Revelation Temple Church of God in Christ

PLEDGE OF ALLEGIANCE

ROLL CALL

- FORD
ADOPTED

Approval of Minutes of Previous Sessions
December 22, 2003

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

- HOOKS
ADOPTED

1. Resolution commending Reverend Dwight Montgomery, pastor of Annesdale Cherokee Missionary Baptist Church.

Ordinances

- RENDTORFF
APPROVED

2. ORDINANCE – FIRST READING – An Ordinance to amend Section 12-28 of the Shelby County Code of Ordinances, Article II. Civil Service Merit System, to designate all Shelby County Head Start employees as Unclassified service employees.
- MOSS
APPROVED

3. ORDINANCE – SECOND READING (ZTA 03-004 CC)
A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance - Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
Amend Zoning Ordinance to create a new Single Family Residential Infill (R-S6 I) Zoning District and amend Chart 1 (Uses Permitted) and Chart 2 (Bulk Regulations).

**MOSS
ADOPTED**

4. **ORDINANCE – SECOND READING** **(ZTA 03-005 CC)**
A Joint Ordinance amending the Memphis and Shelby County **Zoning Ordinance – Regulations** adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

Zoning and Subdivisions

**MOSS
(A - H)
ADOPTED**

5. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTD**

6. Resolution to approve an amendment with Bull HN Information Systems, Inc. (BULL) for annual operating system software licensing for the Bull DPS9000 System, and to appropriate funds in the amount of \$197,454.00 from FY 2003/2004 Operations and Maintenance, Account Number 010-201804-6780 for said licenses.

**KIRK
ADOPTED**

7. Resolution amending the contract with Chicago Title Insurance Company increasing title search expenses by \$50,000.00.

**LILLARD
ADOPTED**

8. Resolution appropriating funds in the amount of \$774,500.00 for right-of-way acquisition for various CIP projects and amending the FY 2003/2004 CIP Budget and FY 2003/2004 Road Department Budget.

**LILLARD
ADOPTED**

9. Resolution authorizing the mayor to enter into a contract with Barge Waggoner Sumner & Cannon, Inc. for the design of construction improvements to Sycamore View Road from CSX Railroad to Farm Road and appropriating funds in the amount of \$220,000.00 from the FY 2003/2004 Budget for CIP Project No. 100153, Sycamore View Road.

**AVERY
ADOPTED**

10. Resolution to approve a contract between the Memphis and Shelby County Health Department and the University of Memphis for the provision of services to reduce sale and use of tobacco in the amount of \$57,375.00 for the period July 1, 2003 – June 30, 2004.

**AVERY
ADOPTED**

11. Resolution to approve Amendment No. 1 to the Multi-Services Grant Contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health for the period July 1, 2003 – June 30, 2004 in the amount of \$285,800.00 for the administration of multi health services, amending five (5) FY 2003/2004 Operating Budgets and amending the FY 2003/2004 Position Control Budget to add seven (7) new positions and delete four (4) positions.

**THOMPSON
ADOPTED**

12. Resolution to approve a Cooperative Agreement with the U.S. Department of Justice, Office of Justice Programs in the amount of \$138,019.00 an amending the FY 2003/2004 Budget of the Victims Assistance Center.

**RENDTORFF
ADOPTED**

13. Resolution approving the Delegate Contract between Shelby County Government and Goodwill Homes Community Services, Inc., for the term January 1, 2004 through June 30, 2004.

**RENDTORFF
ADOPTED**

14. Resolution approving the Delegate Contract between Shelby County Government and Metropolitan Interfaith Association for the term January 1, 2004 through June 30, 2004.

**RENDTORFF
ADOPTED**

15. Resolution approving the Delegate Contract between Shelby County Government and Porter Leath Children's Center for the grant year January 1, 2004 through December 31, 2004.

**RENDTORFF
ADOPTED**

16. Resolution approving the Delegate Contract between Shelby County Government and the YMCA of Memphis and the Mid-south for the grant year January 1, 2004 through December 31, 2004.

**RENDTORFF
ADOPTED**

17. Resolution approving the Delegate Contract between Shelby County Government and the YWCA of Greater Memphis for the grant year January 1, 2004 through December 31, 2004.

**MALONE
ADOPTED**

18. Resolution to amend the FY 2004 Operating Budget to allow for expenditure of all funds available from the grantor for supportive services pursuant to the current grant from the United States Department of Housing and Urban Development for Detoxification Services for Homeless People, and to authorize certain changes in contracts with providers of services funded by said grant.

**FORD
ADOPTED**

CONSENT AGENDA

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

- WILLINGHAM

19.

Resolution approving the Mayor’s nomination of Jim Etheridge and Jon Thompson for reappointment to the Memphis and Shelby County Airport Authority Board for a term of seven (7) years. (Comm #7)
- MALONE
ADOPTED

20.

Resolution nominating Johnnie Turner and Isaac Northern for reappointment, and Jerry Edmonds and Bill McGaughey for appointment to the Shelby County Health, Education, and Housing Facility Board for a term of six (6) years. (Comm #11)

Ordinances

- MOSS
(DEFERRED
TO 02/23/04)

21.

ORDINANCE – THIRD READING – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.
- MOSS
ADOPTED

22.

ORDINANCE – THIRD READING -- (ZTA 03-001 CC) A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance-Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980 and the City Council of the City of Memphis on October 7, 1980, being Resolution and Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
Amend Section 2, “Interpretations and Definitions”
Section 26, “Overlay District Regulations” to add a new overlay district
Section 26, FP floodplain district, paragraph 1.7

Zoning and Subdivisions

- MOSS
ADOPTED

23.

CASE NO. Z 03-109 CC
(companion item to 3rd Reading Ordinance ZTA 03-001 CC)
APPLICANT: Memphis and Shelby County Office of Planning and Development and City/County Public Works

LOCATION: Fletcher Creek Drainage Basin, north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north.

- REQUEST:**
- 1. Amend various sections of the Memphis and Shelby County Zoning Ordinance and Subdivision Regulations to create an overlay district for the Fletcher Creek Drainage Basin.**
 - 2. Designate the area within the Fletcher Creek Drainage Basin as the Fletcher Creek Drainage Basin (FCD) Overlay District.**

Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL

(Notice of public hearing published in the Daily News on Friday, October 17, 2003.)

**MOSS
(DEFERRED
TO 02/09/04)**

- 24. CASE NO. P.D. 03-355 CC**
- APPLICANT:** Nellie B. Hamilton/Rusco Company
- LOCATION:** North side of Holmes Road; +4,000 square feet east of Hacks Cross Road
- REQUEST:** A planned development to permit 106 single family detached lots with a typical lot size a lot 8,750 square feet within the plan.

Memphis and Shelby County Office of Planning and Development recommendation:

REJECTION

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, December 12, 2003)

**MOSS
(DEFERRED
TO 02/09/04)**

- 25. CASE NO. Z 03-124 CC**
- APPLICANT:** Toni Cox and Albert Nicholson
- LOCATION:** West side of Brunswick Road at Davies Plantation Road
- REQUEST:** Taking property out of the Agricultural (AG) Use District and including in the Residential Estate (R-E) Use District

Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL

(Notice of public hearing published in the Daily News on Friday, December 12, 2003.)

Reports and/or Resolutions for Standing Committees

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| KIRK
(DEFERRED
TO 02/09/04) | 26. Resolution to freeze the Shelby County Position Control Budget at the current positions and salaries except for increases provided by current policy. |
| KIRK
(DEFERRED
TO 02/09/04) | 27. Resolution establishing the budget process for the fiscal year ending June 30, 2005, and all subsequent fiscal years. |
| KIRK
ADOPTED | 28. Resolution to amend the FY 2004 Operating Budget to provide \$100,000.00 for attorney fees from Commissioners' Contingency. |
| KIRK
(DEFERRED
TO 02/09/04) | 29. Resolution approving settlement agreement in case of Clark Construction Group, Inc., Plaintiff, vs. City of Memphis and the Memphis Cook Convention Center, Defendants, Civil Action No. 01-2780 U.S. District Court. |
| FORD
ADOPTED | 30. Resolution to approve a new retirement program design for Shelby County Government and authorizing preparation of new plan documents. |
| FORD
ADOPTED | 31. Resolution to amend Shelby County Retirement System Plan A to clarify that employees of certain county-related governmental employers are eligible to participate in Plan A. |
| FORD
ADOPTED | 32. Resolution to amend Shelby County Retirement System Plan A to stop benefit accruals for certain Agricultural Extension employees whose compensation is partially subsidized (rather than fully paid) by the county. |
| FORD
ADOPTED | 33. Resolution to amend Shelby County Retirement System Plan A to change the manner in which interest on employee contribution accounts is calculated. |
| BOLTON
ADOPTED | 34. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled " An Act to Amend Tennessee Code Annotated, Title 40, Chapter 33, Section 211, relative to the earmarking of funds for Drug Court Treatment." |

Adjournment

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| THOMPSON
ADOPTED | 35. Resolution of Adjournment to February 9, 2004, at 1:30 p.m. |
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AGENDA # 5
JANUARY 26, 2004

5A

SUBDIVISION: CORDOVA RIDGE P.D., FOURTH AMENDMENT, PHASE 7, PARCEL 2 (P.D. 02-360 CC)

DEVELOPER: RUSCO COMPANY

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO CORDOVA RIDGE P.D., 4TH AMENDMENT, PHASE 7, PARCEL 2 (P.D. 02-360 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: SOUTH SIDE OF MACON ROAD; + 1,150 FEET EAST OF HOUSTON LEVEE ROAD

5B

SUBDIVISION: OSCAR MENZERS MACON ROAD SUBDIVISION (S 01-025 CC)

DEVELOPER: OSCAR MENZERS

ACTION: RESOLUTION TO APPROVE THE PLAT FOR OSCAR MENZERS MACON ROAD SUBDIVISION (S 01-025 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: SOUTH SIDE OF MACON ROAD; +494 FEET WEST OF REED HOOKER ROAD

5C

SUBDIVISION: THE GREENS AT IRENE P.E., AMENDED, PHASE 4 (LAUREL TREE P.D.) (P.D. 03-318 CC)

DEVELOPER: LAUREL TREE, L.L.C.

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO THE GREENS AT IRENE P.E., AMENDED, PHASE 4 (LAUREL TREE P.D.) (P.D. 03-318 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: EAST SIDE OF HACKS CROSS ROAD; +/-2,800 FEET SOUTH OF EAST SHELBY DRIVE

5D

SUBDIVISION: WINCHESTER/ROSS C-P, PHASE 3 (Z 90-1276 CC)

DEVELOPER: RFS, INC.

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO WINCHESTER/ROSS C-P, PHASE 3 (Z 90-1276 CC)

LOCATION: SOUTHWEST CORNER OF WINCHESTER ROAD AND ROSS ROAD

5E

SUBDIVISION: WOLF RIDGE SUBDIVISION, SECTION A (S 02-042 CO)

DEVELOPER: WOLFE FAMILY TRUST, ED AND BETTY CASS, TRUSTEE

ACTION: RESOLUTION TO APPROVE THE PLAT FOR WOLF RIDGE SUBDIVISION, SECTION A (S 02-042 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: NORTHWEST CORNER OF PLEASANT RIDGE ROAD AND OSBORN ROAD

5F

SUBDIVISION: WOLF RIDGE SUBDIVISION, SECTION B (S 02-042 CO)

DEVELOPER: WOLFE FAMILY TRUST, ED AND BETTY CASS, TRUSTEE

ACTION: RESOLUTION TO APPROVE THE PLAT FOR WOLF RIDGE SUBDIVISION, SECTION B (S 02-042 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: NORTHWEST CORNER OF PLEASANT RIDGE ROAD AND OSBORN ROAD

5G

SUBDIVISION: WOLF RIDGE SUBDIVISION, SECTION C (S-02-042CO)

DEVELOPER: WOLFE FAMILY TRUST, ED AND BETTY CASS, TRUSTEE

ACTION: RESOLUTION TO APPROVE THE PLAT FOR WOLF RIDGE SUBDIVISION, SECTION C (S 02-042 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: NORTHWEST CORNER OF PLEASANT RIDGE ROAD AND OSBORN ROAD

5H

SUBDIVISION: FOREST HILL PD, PHASE 2, AREA 3 (P.D. 95-321 CC)

DEVELOPER: FOREST HILL PARTNERSHIP

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO FOREST HILL PD, PHASE 2, AREA 3 (P.D. 95-321 CC)

LOCATION: EAST SIDE OF FOREST HILL IRENE ROAD; +/-500 FEET SOUTH OF SHELBY DRIVE